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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,014	12/04/2001	Chen Xing Su	10209.276	6898

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EXAMINER

OH, SIMON J

ART UNIT	PAPER NUMBER
1615	

1615

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Papers Received

Receipt is acknowledged of the applicant's amendment, response, petition for extension of time, and request for continued examination, all received on 14 June 2004.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The rejection of Claims 1-10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moniz in view of Nair *et al.*, and Wadsworth *et al.* is withdrawn.

Claims 1-10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gidlund (U.S. Patent No. 6,346,449).

The Gidlund patent teaches the use for an extract derived from the fruits, leaves, bark or roots of *Morinda citrifolia*. Fruit extracts may be either liquid, as pressed from the fruits and processed in the ways conventional to the art; or they may be processed into a powder (See Abstract; and Column 4, Lines 19-30). The liquid extract of *Morinda citrifolia* will be present in an amount ranging from 0.1 mL to 2 mL per kilogram of body weight of the patient. The dry extract of *Morinda citrifolia* will be present in an amount ranging from 5 mg to 200 mg per kilogram of body weight of the patient (See Column 5, Lines 16-23). Specific dosages will depend on factors such as age and general state of health (See Column 5, Lines 42-49). The

medicament containing the *Morinda citrifolia* may be in various forms, including a liquid solution, emulsion, or suspension, granules, pills, capsules, and tablets, to be administered in a single daily dose or several daily doses (See Column 5, Lines 56-62).

Although the Gidlund patent is directed towards methods of treating tinnitus, it is disclosed that in other prior art, that *Morinda citrifolia* is known to be useful for other conditions, such as menstrual cramps, arthritis, gastric ulcers, sprains, injuries, and pain (See Column 2, Lines 3-19). It is the position of the examiner that one of ordinary skill in the art would be able to treat a patient for these conditions using the general guidelines disclosed in the Gidlund patent with a reasonable expectation of success. It is also the position of the examiner that the dosage ranges disclosed within the Gidlund patent read on the dosage ranges claimed in the instant application. Therefore, it is the position of the examiner that the property of selective COX-2 inhibition is inherent in the compositions disclosed in Gidlund. Thus, the instantly claimed invention is *prima facie* obvious.

Response to Arguments

The applicant's arguments, received on 14 June 2004, have been considered, but are not found to be persuasive.

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new grounds of rejection presented above.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon J. Oh whose telephone number is (571) 272-0599. The examiner can normally be reached on M-F 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K Page can be reached on (571) 272-0602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner
Art Unit 1615

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